

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JEFFREY R. MODICA,)	
KATARZYNA A. MODICA a.k.a.)	
KATIE MODICA,)	Case No. 1:14-cv-03308
)	
Plaintiffs,)	Honorable Judge James B. Zagel
)	
v.)	
)	
GREEN TREE SERVICING, LLC)	
)	
Defendant.)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

NOW COMES, Plaintiff KATIE MODICA (“Mrs. Modica”), by and through her counsel, Sulaiman Law Group, Ltd., moving this Honorable Court for entry of summary judgment in her favor on Count I of her claims against Green Tree Servicing, LLC’s (“Green Tree”) for violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §227, and in support thereof, stating as follows:

1. On June 6, 2008, Mrs. Modica and her husband Jeffrey R. Modica (“Mr. Modica,” collectively “Plaintiffs”) filed a joint Chapter 7 bankruptcy. Plaintiffs listed Countrywide Home Loans (“Countrywide”) as a creditor in their bankruptcy
2. Mr. Modica was the only obligor on the Countrywide debt (“subject debt”).
3. On September 9, 2008, Plaintiffs were granted a discharge of all their debts, including the subject debt.
4. At some point after Plaintiffs’ discharge, the servicing and/or ownership of the subject debt was transferred from Countrywide to Green Tree.
5. Green Tree started to mercilessly place phone calls to Plaintiffs’ cellular phones to collect on the discharged subject debt, including phone calls to Plaintiffs’ neighbors.

6. On November 12, 2011, Mrs. Modica called Green Tree from her cellular phone to complain about Green Tree's phone calls to her neighbors.

7. After the November 12, 2011 phone call, Green Tree placed 54 phone calls to Mrs. Modica's cellular phone regarding the Green Tree debt.

8. Mrs. Modica never provided Green Tree with her cellular phone number and never consented to receiving phone calls on her cellular phone.

9. Mrs. Modica alleges that Green Tree violated the TCPA by placing 54 phone calls to her cellular phone using an automatic telephone dialing system without her consent.

10. In order for Mrs. Modica to establish a violation of the TCPA, she must establish that:

- a. a phone call was made to her cellular phone;
- b. using an automatic telephone dialing system; and
- c. without her consent.

11. Mrs. Modica is entitled to summary judgment for Count I against Green Tree for her TCPA claims because there is no genuine issue of fact as to whether Green Tree placed 54 phone calls to her cellular phone using an automatic telephone dialing system without her consent.

12. In support of her motion, Mrs. Modica has filed a memorandum of law and statements of material facts pursuant to Northern District of Illinois LR 56.1(a)(3).

WHEREFORE, Plaintiff, Katie Modica, respectfully request that the Court enter summary judgment in her favor and against Green Tree on Count I.

Respectfully submitted,

/s/ Mohammed O. Badwan
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